

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

BEATA MUSIC LLC,

18-cv-6354 (JGK)

Plaintiff,

FINAL JUDGMENT

- against -

DINO DANELLI, EDDIE BRIGATI, and
DOES 2-10, inclusive,

Defendants.

DINO DANELLI and EDDIE BRIGATI,

Counterclaim Plaintiffs,

- against -

BEATA MUSIC LLC, FELIX CAVALIERE,
and GENE CORNISH,

Counterclaim Defendants.

JOHN G. KOELTL, District Judge:

It is hereby ORDERED, ADJUDGED, AND DECREED: That for the reasons stated in the Court's Memorandum Opinion and Orders dated January 20, 2021 (ECF No. 113), January 6, 2022 (ECF No. 158), and May 9, 2022 (ECF No. 195), Judgment is entered as follows:

1. On the First Amended Complaint of Plaintiff Beata Music LLC ("Beata"):

a. Neither Dino Danelli nor Eddie Brigati has any enforceable rights in the RASCALS mark for live performances.

- b. Beata has not infringed the rights of Brigati or Danelli in the RASCALS mark.
- c. Beata's use of the RASCALS mark for live performances and the sale of merchandise at those performances does not constitute false designation of origin with respect to Brigati or Danelli.
- d. Brigati has no enforceable rights arising from the January 5, 1990 settlement agreement.
- e. Danelli may not assert against Felix Cavaliere or Gene Cornish any claim relating to the January 5, 1990 settlement agreement that was, or could have been, raised in this action.
- f. Beata's first and fifth claims for relief are dismissed without prejudice.

2. Brigati's and Danelli's claims against Beata, Cavaliere, and Cornish are dismissed with prejudice.

SO ORDERED.

**Dated: New York, New York
May 31, 2022**



John G. Koeltl
United States District Judge